Funding of Political Parties for Elections

616. SHRI KRISHAN LAL SHARMA : Will the PRIME MINISTER be pleased to state :

(a) whether it is a fact that industrial houses and corporate donors contribute funds to the various political parties of the country to meet their election expenses;

(b) whether it is also a fact that there is no law in the country governing contribution to the political parties;

(c) if so, the reasons thereof; and

(d) if not, whether Government propose to enact a law in this matter and when ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) and (b) Under section 293-A of the Companies Act, 1956 Government companies and companies which are in existence for less than three years are prohibited to make political donations. Other companies can, however, make political donations upto 5 per cent of the average net profits as determined by law to any political party or to any person. Such donations are to be disclosed in the profit and loss account of the companies.

(c) and (d) Do not arise.

Multi-member Election Commission

617. SHRI KRISHAN LAL SHARMA : Will the PRIME MINISTER be pleased to state :

(a) whether it is a fact that Government have been urged to set up a multi-member Election Commission with independent Secretariat on the pattern of Comptroller and Auditor General of India;

(b) if so, the reaction of Government thereon;

(c) whether Government propose to bring forward a comprehensive bill on electoral reforms; and

(d) whether there is any move to convene an all party meeting on the aforesaid issue ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) and (b) A demand to set up a multi-member Election Commission has been made, but there is no such proposal at present under consideration of the Government. The proposal to set up an independent Secti. for the Election Commission is one of the various proposals on electoral reforms under consideration of the Government but no final decision has yet been aken.

(c) Yes, Sir.

(d) Yes, Sir.

Recommendations of Working Groups

618. SHRI P. UPENDRA : Will the PRIME MINISTER be pleased to state :

(a) whether the Working Groups set up by the Law Ministers' Conference held in October, 1992 have made several important recommendations;

(b) if so, what are the recommendations; and

(c) whether Government have processed these recommendations for implementation ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) Yes, Sir.

(b) A statement showing the recommendations is annexed. *(See below).*

(c) The recommendations have been forwarded to all State Governments and to the Chief Justices of various High Courts. It is proposed to consider these recommendations further at a conference to be held soon.

Statement

Recommendations of Law Ministers' Working Groups

(a) *Working Group-I*

Periodic review of the strength of Judges in each High Court in consultation with the constitutional functionaries in the States concerned and the Chief Justice of India for dealing efficiently with arrears of pending cases;

Initiation of action for filling up vacancies in the judiciary at least six to nine months in advance and the prescription of specific time-limits within which the proposals ought to be processed at different stages so as to ensure appointment of judges as soon as vacancies arise;

Upto 50% of the vacancies in each High Court to be filled up from the judicial officers of subordinate judiciary;

Exercise of greater care in the appointment of judges so as to ensure that competent persons of unimpeachable integrity are appointed as Judges of High Courts;

Serving Judges not to be appointed as Commissions of enquiry except in exceptional cases;

Effective implementation of the policy that 1/3rd of Judges in each High Court should be from other States;

Setting up of effective Grievances Cells for resolving problems before they end up as disputes in courts or tribunals;

Strengthening of the movement of Lok Adalats and the setting up of Conciliation Courts on the Himachal Pradesh pattern;

(b) *Working Group-II*

Raising of pecuniary first appellate jurisdiction of District Courts/City Civil Courts;

Preliminary listing of appeals for admission so as to eliminate frivolous appeals;

Substitution of the requirement of annexing certified copy of the judgement to the memorandum of appeals in place of the decree;

Deletion of the provision for confirmation of a decree of divorce by High Court;

Abolition of second appeals;

Abolition of Letters Patent Appeal and of Division Bench Appeal against judgement of a single Judge of a High Court;

High Courts to make rules/orders specifying categories of cases which may be heard by single Judge or by a Division Bench, having regard to their complexities and importance;

Abolition of ordinary original civil jurisdiction of High Courts;

Provision of adequate staff, funds and other facilities for the Criminal Courts;

Empowering magisterial courts, by law, to try in a summary way the offences specified in Section 260 of the Cr. P.C.

Establishment of a Committee consisting of, among others, the Advocate General of the State and the Law Secretary of the State, to go into the question of institution of frivolous cases and to suggest appropriate remedial measures;

Offences under section 147, 148, 149, 294, 338, 452 and 506 and such other sections of the IPC which the aforesaid Committees might suggest should be made compoundable;

The aforesaid Committees to explore ways and means by which victims of crime are duly compensated at the cost of the accused persons;

The aforesaid Committees also to consider the categories of cases which could be withdrawn if they were pending for more than a specified number of years;

Raising the limits of value of property from Rs. 250/- to Rs. 2500/- in cases under Section 379 and 420 of the IPC.

Continuance of High Courts' jurisdiction to try election petitions.

(c) *Working Group-III*

The Bar Council of India, in consultation with the Bar Councils of various States, should address itself to the problem of inordinate concentration of work in the hands of some members of the Bar. Courts should also avoid giving an impression that the outcome of a case depended upon the appearance of a senior lawyer;

Chief Justices' Conference may consider the question of evolving a convention that would discourage the granting of adjournments except in exceptional circumstances and require recording of reasons for granting adjournments;

Time-limits should be fixed, in consultation with the counsel, for the presentation of oral arguments. Parties should be made to present a concise note of arguments, including the case law to be relied upon, before the commencement of oral arguments;

Chief Justices' Conference should be requested to consider the need for avoiding the writing of long and elaborate judgements as a general rule;

Reserved judgements to be delivered within a reasonable time;

All courts should consider preparing lists of old cases and arranging their early disposal;

Chief Justices' Conference could consider evolving criteria for giving priority of consideration to cases requiring prompt attention;

Furnishing of courts with modern equipments like photocopying machines, word-processors and electronic typewriters;

Substitution of typed or cyclostyled paper books in place of printed paper book/records in criminal cases by suitable modification of the statutory rules or other provisions in this regard;

Grouping and classification of cases in all the courts so that several cases could be disposed of together;

Constitution of a Committee consisting of Judges and lawyers at the appropriate level for dealing with the underlying causes for lawyers' strikes and for evolving appropriate guidelines for preventing indiscriminate closure of courts.

Strength of Judges in Allahabad High Court

619. SHRI SHANTI TYAGI: Will the PRIME MINISTER be pleased to state:

(a) the sanctioned strength of Judges in the Allahabad High Court and the number of Judges sitting now both at Allahabad and Lucknow benches;

(b) whether 5.5 lakh cases are pending with the Allahabad High Court;

(c) whether it is a fact that the lawyers of this judicature have complained of red-tapism, manipulation in the registration of cases and delay in procurement of records etc.; and

(d) if so, what measures Government have taken and propose to take in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) to (d) The information is being collected and will be laid on the Table of the House.

Muslim Law relating to divorce

620. SHRI SUSHIL KUMAR SAMBHAJIRAO SHINDE:
SHRIMATI VEENA VERMA:
Will the PRIME MINISTER be pleased to state:

(a) whether Government propose to introduce any change in the Muslim Law relating to divorce, to bring it in line with the common marriage and divorce law of land, after eliciting opinions of the minority Community in view of the judgement of the apex body of Muslim religious scholars declaring the pronouncement of 'talaq' three times at one sitting by a husband, as invalid and ineffective; and

(b) if so, what steps are being taken in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) No, Sir.

(b) Does not arise.

Compulsory retirement of Judicial Officers

621. SHRI S. S. AHLUWALIA: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that Delhi High Court has recently decided to compulsory retire some Judicial Officers of the National Capital Territory of Delhi to weed out corruption from the lower courts;

(b) if so, what are the details thereof;

(c) whether Government propose to advise all the High Courts in the country to initiate similar action; and

(d) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) and (b) The Delhi High Court, which under Article 235 of the Constitution is vested with control over the District Courts and Courts subordinate thereto, constituted a Committee to screen the record of work and conduct of all the Judicial Officers of Delhi who had or were completing the age of 50/55 years or 30 years service or 30 years qualifying service for pension. Based on the recommendation of the Committee, the full Court recommended to the Appointing Authority i.e. Administrator, National Capital Territory of Delhi, to retire four Judicial Officers in public interest. The officers were accordingly retired with effect from 1-6-1993.

(c) and (d) The matters relating to recruitment, removal and control etc. of the District Courts and Courts subordinate thereto of a State are the concern of the respective State Government and High Court in accordance with the provisions of Articles 233 to 235 of the Constitution of India.

Civil cases in Delhi District Court

622. SHRI SUNDER SINGH BHANDARI: Will the PRIME MINISTER be pleased to state:

(a) how many Civil Cases are pending in the Delhi District Court which are more than ten years old;

(b) the increase in these cases during the last 75 days since the date of strike by the lawyers; and

(c) what steps are being taken to resolve the deadlock?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ):